UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 10/516,548 | 12/02/2004 | Leonardus Joseph Michael Ruitenburg | NL 020540 | 5731 |

65913 7590 09/21/2007

NXP, B.V.
NXP INTELLECTUAL PROPERTY DEPARTMENT
M/S41-SJ
1109 MCKAY DRIVE
SAN JOSE, CA 95131

| EXAMINER | |
|---|---|
| HU, RUI MENG | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2618 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 09/21/2007 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/516,548 | RUITENBURG ET AL. | |
| | Examiner | Art Unit | |
| | RuiMeng Hu | 2618 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *04 June 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1,3 and 4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3 and 4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's Appeal Brief together with arguments filed on 06/04/2007 have been fully considered and are persuasive. Therefore, the final rejection mailed on 01/04/2007 has been withdrawn. However, the present Office Action is still made final in view of Applicant's amendment filed on 10/24/2006 wherein necessitated the new ground(s) of rejection. Further, Applicant's arguments filed on 10/24/2006 and 06/04/2007 with respect to claims 1 and 3-4 have been considered but are moot in view of the new ground(s) of rejection.

### *Response to Amendment*

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

**Claims 1, 3 and 4** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lampe et al. (US Patent 5852772)** in view of **Ryan et al. (US Patent 7151759)** and **Toshida et al. (US Patent 5613232).**

Consider **claim 1**, Lampe clearly disclose a receiver signal strength indication circuit (figure 4) receiving a discretely controlled amplified signal from an amplifying means (figure 4, amplifying means 64), the circuit comprising: filter means (figure 4, active band-pass filter 72) coupled to an output of the discretely controlled amplifying means, logarithmic detector means (figure 4, log detector 76) for receiving and logarithmically amplifying an output of the filter.

However, Lampe et al. fail to disclose a narrow filter and said narrow filter means providing a limited spectrum of the input signal; and ADC means for converting the output of the logarithmic detector to a digital receiver signal strength indication.

In the same field of endeavor, Ryan et al. clearly disclose a receiver signal strength indication circuit (column 21 lines 48-61, figure 12) receiving a discretely

controlled amplified signal from an amplifying means comprising a narrow filter (narrow filter 1203) for filtering a received signal to be detected by a RSSI log detector (RSSI log detector 430) and said narrow filter means providing a limited spectrum of the input signal (to completely remove an adjacent channel wave) for accurately detecting the received signal level of the desired wave.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the selection techniques taught by Ryan et al. into the receiver signal strength indication furnishing means of Lampe et al. as to include the narrow filter 1203 prior to the log detector 76 as for completely removing an adjacent channel wave and accurately detecting the received signal level of the desired wave.

In the same field of endeavor, Toshida et al. clearly disclose an ADC means for converting the output of the signal level detector to a digital receiver signal strength indication (figure 1, A/D converter 20, signal level detector 19, Abstract) as easily and safely to store and access as well as for displaying purpose.

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the selection techniques taught by Toshida et al into the receiver signal strength indication furnishing means of Lampe et al. as to include an ADC means to convert the RSSI data into digital RSSI data to be easily and safely stored and accessed as well as for displaying purpose.

Consider **claim 3 as applied to claim 1,** Lampe et al. as modified by Ryan et al. and Toshida et al. clearly disclose wherein the amplifying means include selectivity filtering means (figure 8, selecting a filter between first filter 72 and second filter 84).

Consider **claim 4 as applied to claim 1**, Lampe et al. as modified by Ryan et al. and Toshida et al. clearly disclose wherein the amplifying means include a mixer (figure 8, mixer 66).

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to:** Commissioner for Patents
P.O. Box 1450

Alexandria, VA 22313-1450

**Hand-delivered responses** should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RuiMeng Hu whose telephone number is 571-270-1105. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*RuiMeng Hu*
R.H./rh
September 12, 2007

EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600